

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

<i>JAMES ROBINSON,</i>)	Docket Number: 1:19-CV-10749-FDS
Plaintiff,)	
)	District Judge: The Honorable F. Dennis Saylor, IV
v.)	
)	Magistrate Judge: The Honorable Donald L. Cabell
<i>THE NATIONAL STUDENT</i>)	
<i>CLEARINGHOUSE,</i>)	
Defendant.)	

**CLASS MEMBER’S MOTION FOR
COURT APPROVAL OF PAYMENT FOR FORGOING AN APPEAL**

Pursuant to Federal Rule of Civil Procedure 23(e)(5)(B)(ii), Class Member Objector Paúl Camarena respectfully moves this Honorable Court to approve Class Counsel’s payment in connection with Class Member Paúl Camarena forgoing an appeal. Class Member Paúl Camarena, in support, states as follows:

Rule 23(e)(5)(B)(ii) provides that, “[u]nless approved by the court after a hearing, no payment or other consideration may be provided in connection with ... forgoing, dismissing, or abandoning an appeal.” Class Member Paúl Camarena has honest good-faith objections regarding the fairness of the settlement and regarding Class Counsel’s fees, and Class Member Paúl Camarena devoted significant efforts in presenting his objections so that the Court could more critically evaluate the settlement and fees¹. Class Member Paúl Camarena is an experienced federal appellate attorney who has argued before the Courts of Appeals for the First, Second, and Seventh Circuits, and he has recently had extensive discussions with Class Counsel regarding the merits of an appeal and the possibility of resolving their disagreement prior to an appeal.

¹ See, ECF 29 (Class Member’s Objections), ECF 35 (Class Member’s Motion for Discovery), ECF 38 (Class Member’s Motion To Continue Final Approval Hearing).

Objector Paúl Camarena earlier proposed that the parties resolve their disagreement without an appeal by Class Counsel making a donation to an entirely unaffiliated public interest law firm, but the parties could not agree to this. Objector Paúl Camarena finally proposed that Class Counsel pay \$25,000 to Objector Paúl Camarena, and Class Counsel agreed not to oppose this application and to pay the amount from counsel fees.

The Rule 23(e)(5)(B) Committee Notes specifically recognize that, because “[g]ood-faith objections can assist the court in evaluating a proposal under Rule 23(e)(2)[, i]t is legitimate for an objector to seek payment for providing such assistance.” Because Class Member Paúl Camarena is an honest good-faith objector who devoted significant efforts in presenting his objections, this Honorable Court should approve Class Counsel’s payment of its own funds to Class Member Paúl Camarena for forgoing an appeal.

Respectfully submitted,
Class Member Objector Paúl Camarena
/s/ Paúl Camarena
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